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STEPHON JAMES WHITNEY

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,)
10) CASE NO. 2:21-CR-002-JAD-NJK
Plaintiff,)
11)
vs.)
12)
STEPHON JAMES WHITNEY,)
13)
14 Defendant.)
_____)

15 **STIPULATION TO CONTINUE PRETRIAL MOTION DEADLINES,**
16 **CALENDAR CALL AND TRIAL DATE (Second Request)**

17 IT IS HEREBY STIPULATED AND AGREED, by and between CHRISTOPHER CHU,
18 Acting United States Attorney, and DANIEL COWHIG, Assistant United States Attorney,
19 counsel for the United States of America, and YI LIN ZHENG, ESQ. counsel for STEPHON
20 JAMES WHITNEY that the calendar call currently scheduled for August 16, 2021, at 1:30 p.m.,
21 and the trial currently scheduled for August 24, 2020, at 9:00 a.m., be vacated and continued for
22 at approximately 75 days to a date and time convenient to this Court but not sooner than
23 November 1, 2021 for a trial date.

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26 This stipulation is entered into for the following reasons:

- 27 1. Counsel for the defendant needs additional time to conduct an investigation in this
28

1 case, in order to determine whether there are any pre-trial issues that must be litigated and
2 whether the case will ultimately go to trial or will be resolved through negotiations and/or to
3 prepare for trial.

4 2. Defendant STEPHON JAMES WHITNEY is in custody but has been advised and
5 does not object to the continuance.
6

7 3. The additional time requested herein is not sought for purposes of delay, but
8 merely to allow counsel for defendant sufficient time within which to be able to effectively
9 complete investigation of discovery materials and to further discuss the case with defendant.
10

11 4. The additional time requested by this stipulation is excludable in computing the
12 time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18,
13 U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under
14 Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B)(iv).
15

16 5. This is the second request for a continuance filed herein.

17 DATED: July 22, 2021

18 CHRISTOPHER CHU
19 Acting United States Attorney

 VEGAS GOLDEN LAW
 Formerly Momot & Zheng

20 By /s/ Daniel Cowhig
21 DANIEL COWHIG
22 Assistant United States Attorney
 Counsel for Plaintiff

By /s/ Yi Lin Zheng
 YI LIN ZHENG, ESQ.
 Counsel for Defendant
 STEPHON JAMES WHITNEY

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.)
)
 STEPHON JAMES WHITNEY,)
)
 Defendant.)
)
 _____)

CASE NO. 2:21-CR-002-JAD-NJK

FINDINGS OF FACT

1. Counsel for the defendant needs additional time to conduct an investigation in this case, in order to determine whether there are any pre-trial issues that must be litigated and whether the case will ultimately go to trial or will be resolved through negotiations and/or to prepare for trial.

3. The additional time requested herein is not sought for purposes of delay, but merely to allow counsel for defendant sufficient time within which to be able to effectively complete investigation of discovery materials and to discuss the case with defendant.

4. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, U.S.C. §3161(h)(7); and Title 18, U.S.C. §3161(h)(7)(A), when considering the factors under

1 Title 18, U.S.C. §3161(h)(7)(B), §3161(h)(7)(B(i) and §3161(h)(7)(B)(iv).

2 5. This is the second request for a continuance filed herein.

3 For all of the above-stated reasons, the ends of justice would best be served by a
4 continuance.
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6 CONCLUSIONS OF LAW

7 The ends of justice served by granting said continuance outweigh the best interest of the
8 public and the defendant in a speedy trial, since the failure to grant said continuance would be
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the
10 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into
11 account the exercise of due diligence.
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13 The continuance sought herein is excludable under the Speedy Trial Act, Title 18, U.S.C.
14 § 3161(h)(7); and Title 18, U.S.C. § 3161(h)(7)(A), when considering the factors under Title 18,
15 U.S.C. § 3161(h)(7)(B), § 3161(h)(7)(B)(i) and § 3161(h)(7)(B)(iv).
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17 ORDER

18 **IT IS HEREBY ORDERED** that each party shall have 45 days from the date of this
19 Order to file all pretrial motions. Responses to any motions shall be filed within 14 days from
20 the date of service of the motions; and any replies may be filed within 7 days of service of the
21 responses.
22

23 **IT IS FURTHER ORDERED** that the trial briefs, proposed voir dire questions,
24 proposed jury instructions, and a list of exhibits must be submitted to the Court by
25 January 18, 2022.
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1 **IT IS FURTHER ORDERED** that the calendar call currently scheduled for August 16,
2 2021, be vacated and continued to January 18, 2022, at 1:30 p.m.; and the trial currently
3 scheduled for August 24, 2021, be vacated and continued to January 25, 2022, at 9:00 a.m.

4 **IT IS FURTHER ORDERED** that the parties are excused from the Master Trial
5 Scheduling Conference on August 3, 2021.
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7 Dated: July 28, 2021.

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11 JENNIFER A. DORSEY
12 UNITED STATES DISTRICT JUDGE
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